

Appl. No. 10/619,061
Amdt. dated May 19, 2006
Reply to Office Action of 12/21/2005

Docket No. A01182

REMARKS/ARGUMENTS

Claims 1, 3, 9 and 10 remain in this application. Claims 2 and 4-8 are canceled, without prejudice. Claims 9 and 10 are new.

Amendments: Lack of New Matter

Applicant submits that the forgoing claim amendments do not introduce new matter into the present application.

In claim 1, the word "in" is deleted from the phrase "with in an"; this change corrects an obvious typographical error and improves the clarity of claim 1.

In claim 1, part (a), the preference for acrylic acid and methacrylic acid is disclosed in the present specification on p. 11, lines 31-32.

In claim 1, parts (a) and (b), the percent ranges are restored to those of the originally-filed claim 1.

In claim 1, part (c), the cross-linking agent is now required; the cross-linking agent was recited as "optionally" in originally-filed claim 1. The recited list of ions can be found in the present specification on p. 14, lines 27-28.

In claim 3 and claim 10, the feature that the triggered response composition surrounds one or more active ingredient was recited in originally-filed claim 3. It is also described in the present specification on p. 12, lines 12 and 17.

Also in claim 3, the antecedent basis has been improved. That is, claim 1 is directed to "A triggered response composition," and now claim 3 refers to "the triggered response composition of claim 1."

New claim 9 recites certain crosslinking agents. The recited metal ions are disclosed in the present specification on p. 14, line 28. The form in which these metal ions are normally used are well known in the art. For example, the present specification refers (p. 14, line 29) to the teachings of US 5,319,018, which includes an extensive "Background" section (col. 1, line 9 to col. 3, line 37) that reviews the knowledge in the art of using metal ion crosslinking agents. As set forth therein, it is known to those of ordinary skill in the art to use metal ion crosslinkers in the form of "complex salt" (see, for example, col. 1, lines 15 and 57), and the common complex salts are carbonates,

Appl. No. 10/619,061
Amdt. dated May 19, 2006
Reply to Office Action of 12/21/2005

Docket No. A01182

bicarbonates, and acetates (col. 1, lines 59-61). Applicants submit that the information in the "Background" section of US 5,319,018 is evidence of knowledge shared by those of ordinary skill in the art. Therefore, Applicants submit that the reference in the present specification to US 5,319,018 would lead those of ordinary skill in the art to conclude that the present invention contemplates the use of multivalent metal ion crosslinkers in the form of carbonates, bicarbonates, or acetates. Consequently, Applicants submit that the crosslinking agents recited in new claim 9 do not add new matter to the present application.

Response to rejection of claims 1-4 under 35 USC 112, first paragraph

In the above-identified Office Action the Examiner rejected claims 1-4 under 35 USC §112, first paragraph as lacking written description. The Examiner stated that "the instant specification does not provide support for the lower weight limitation of '85 weight percent' of one or more non-ionic vinyl monomers."

Claim 1, as currently amended, recites a weight percent range of 30 to 95 for one or more non-ionic vinyl monomers. This weight range was recited in originally-filed claim 1 and in the present specification on p. 4, line 27. Applicants submit that currently amended claim 1 has sufficient written description in the present specification, as does new claim 9, currently amended claim 3, which is dependent on currently amended claim 1, and new claim 10, which is dependent on new claim 9.

Response to rejection of claims 1-4 over Sonnabend

In the above-identified Office Action the Examiner rejected claims 1-4 under 35 USC §102(b) as anticipated by, or in the alternative under 35 USC §103(a) as obvious over US 4,384,096 (Sonnabend).

Sonnabend teaches "efficient polymeric thickeners" (col. 1, lines 62-63) that comprise emulsion copolymer of various monomers listed in col. 1, lines 6-56. Regarding materials other than the monomers used in his copolymer, Sonnabend teaches that the thickener of his invention is useful in compositions including, for example, "aqueous slurries and colloidal dispersions of water-insoluble inorganic and organic

Appl. No. 10/619,061
Amdt. dated May 19, 2006
Reply to Office Action of 12/21/2005

Docket No. A01182

material" (col. 8, lines 28-29). Sonnabend teaches, in Example 3, latex paint formulations that include, among other ingredients, aluminum silicate, calcium carbonate, and titanium dioxide.

Applicants submit that Sonnabend does not teach or suggest the use of alkaline earth cross-linking agents. Applicants submit that Sonnabend's broad remark about slurries and dispersions of water-insoluble inorganic materials is so broad that it does not constitute a teaching or suggestion toward the specific choice of alkaline earth cross-linking agents. Sonnabend's disclosure in the examples teaches certain specific inorganic materials that are well known as fillers and pigments and are not considered cross-linking agents. A person of ordinary skill in the art would not consider a teaching regarding fillers and pigments to be a suggestion toward using alkaline earth cross-linking agents. Thus, neither Sonnabend's broad remark nor his examples constitute a teaching or suggestion toward the use of alkaline earth crosslinking-agents. Therefore, Applicants submit that claim 1 as currently amended is novel and non-obvious over Sonnabend.

Applicants further submit that the above discussion of alkaline earth crosslinking agents applies equally to metal crosslinking agents. Therefore, Applicant submits that new claim 9 is novel and non-obvious over Sonnabend, because Sonnabend does not teach or suggest the use of metal crosslinking agents.

Applicant submits that currently amended claim 3 and new claim 10, because they are dependent on currently amended claim 1 and new claim 9, are novel and non-obvious over Sonnabend for the reasons stated herein above. Further regarding currently amended claim 3 and new claim 10, Applicant submits that Sonnabend's teaching is limited to using the copolymers of his invention as thickeners. Applicant submits that Sonnabend does not teach or suggest a composition in which the copolymers of his invention surround an active ingredient. Therefore, Applicant submits that the feature of surrounding an active ingredient provides an additional reason why currently amended claim 3 and new claim 10 are novel and non-obvious over Sonnabend.

Appl. No. 10/619,061
Amdt. dated May 19, 2006
Reply to Office Action of 12/21/2005

Docket No. A01182

Response to rejection of claims 1-4 over Langley

In the above-identified Office Action the Examiner rejected claims 1-4 under 35 USC §102(b) as anticipated by, or in the alternative under 35 USC §103(a) as obvious over US 5,744,152 (Langley).

Langley teaches emulsion polymers made from monomers that include anionic solubilising monomers and non-ionic monomers (col. 4, lines 12-17). Langley teaches that polymers "may undergo ionic crosslinking if exposed to polyvalent metal compounds" (col. 5, lines 42-43). The only metal cross-linking agent specifically disclosed by Langley is "aluminum isopropoxide or other polyvalent metal alkoxide" (col. 5, lines 47-48). Langley does not teach or suggest the use of any other metal crosslinking agents.

Specifically, Langley does not teach or suggest the specific alkaline earth ion crosslinking agents recited in currently amended claim 1. Applicant therefore submits that currently amended claim 1 is novel and non-obvious over Langley.

Similarly, Langley does not teach or suggest the specific metal salt crosslinking agents recited in new claim 9. Applicant therefore submits that new claim 9 is novel and non-obvious over Langley.

Applicant further submits that currently amended claim 3 and new claim 10, because they depend on currently amended claim 1 and new claim 9, are novel and non-obvious over Langley for the reasons stated herein above regarding currently amended claim 1 and new claim 9.

Conclusion

In view of the foregoing amendments and arguments, Applicants respectfully request the Examiner to reexamine the claimed subject matter, to withdraw the rejections of the claimed subject matter and to allow claims 1 and 3 at this time. If, however, there remain any open issues which the Examiner believes can be resolved by a telephone call, the Examiner is cordially invited to contact the undersigned agent.

Transmitted herewith is a Petition for Extension of Time, which includes authorization of payment of a fee of \$450 for submitting this response in the second month. Also transmitted herewith is a Request for Continued Examination, which

Appl. No. 10/619,061
Amdt. dated May 19, 2006
Reply to Office Action of 12/21/2005


Docket No. A01182

includes authorization of payment of a fee of \$790. No additional fees are believed to be due in connection with the submission of this amendment; however, if any such fees, including petition or extension fees, are due, the Commissioner is hereby authorized to charge them, as well as to credit any overpayments, to Deposit Account No. 18-1850.

Respectfully Submitted,

Rohm and Haas Company
Independence Mall West
Philadelphia, PA 19106-2399

Date: May 19, 2006


Carl P. Hemenway
Agent for Applicants
Registration No. 51,798
Tel: 215-619-5242
Fax: 215-619-1612